

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/189
CICOM/A/2018/60102
CICOM/R/2018/50507

Name of the appellant : Shri Jasbir Singh Arora,
85, GF, Jeewan Nagar,
Bala Sahib Road,
New Delhi – 110 014.

1.	Date of online RTI application	15.07.2018
2.	Date of reply of the RTI application	20.07.2018
3.	CPIO(s) who furnished reply	DO to IC(DP)
4.	Online 1 st Appeal Date	20.07.2018
5.	Date of Hearing	30.07.2018

The appellant was present. Shri H.P. Sen, CPIO & DO to IC(DP) and Shri Ashok Kumar Sharma, CPIO, RTI Cell were also present.

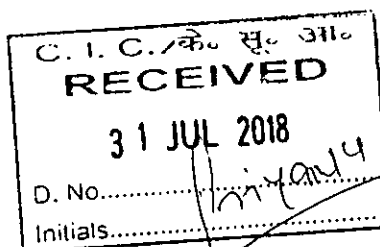
Brief facts of the case:-

2. In the RTI application, appellant has stated as under:-

"Please find list of waiting complaints as attachment with the bench headed by Shri D.P. Sinha Honorable IC. As per para (a) of heading ORDERS/DIRECTIONS of order 28.05.2018 under F.No.Misc/AS/PS/2014-CIC/Admn(Pt), Registrar is subject to directions of Chief Information Commissioner/Information Commissioners is empowered to fix the date of hearing. There are 33 such complaints at SI No. 34,35,37,58,59,60,72, 73,74,75,100, 101,102,103,104,108,111,112,133,142,160,173,186,187,188,194, 195,202,219,221,226,228 and 229, which have been admitted later to complaint of undersigned under F.No. CIC/YA/C/2016/900208 admitted on 25.07.2016 and thus require individual approval/directions from Shri D.P.Sinha Honorable IC. Information requested is the certified copy of documents in support of approval/directions in each such 33 complaints admitted later to my complaint and non compliance petition(admitted on 10.10.2016)."

3. In response to this, Shri H.P. Sen, CPIO & DO to IC(DP) vide letter dated 20.07.2018 has furnished following information:-

"With reference to your above RTI application no such approval/direction in respect of 33 complaints is available in the file."



P.T.O.

Decision with reasons:-

4. Aggrieved with the reply, appellant has filed first appeal and stated that:-

".....As per decision of the full Commission meeting and circulated or issued on 03.06.2014 as at Agenda-2, it was decided by the Commission that the matter of hearing cases of Senior Citizens on priority basis would be considered by the Information Commissioner of the concerned Registry on the basis of merit on case to case basis with the speaking order. Accordingly even in respect of Senior Citizens cases on priority basis will be considered on case to case basis that too with a speaking order, then in case of priority to be given to normal cases, for which there is no provision for fixing hearing on priority basis will the speaking order for each case be not issued. FAA is requested to kindly supply the 33 different speaking orders to fix hearing on priority basis has to be available with the concerned registry or order CPIO to provide such details as CPIO appears to be hiding something from information seeker or appellant."

5. Apart from his above submissions, appellant has submitted his written submissions vide email dated 26.07.2018. During the hearing, the appellant has further submitted his written submissions in which he has quoted the FAQ given in the official website of the Commission, which says:-

"The complaints and second appeals filed in this Commission under the RTI Act are taken up for hearing in chronological order. However, the Commission in a particular matter may decide to accord precedence depending on the facts and circumstances of the case."

6. He stated that accordingly, legally as well as constitutionally, the Commission should possess 33 different decisions, before going ahead with fixing of hearings for 33 such complaints. If the same is not available with the Commission, as claimed by CPIO, the action of the Commission is illegal and unconstitutional. He further quoted an FAQ, which is as under:-

"Generally how much time is taken by the Commission in deciding a complaint/appeal?"

Receipt of second appeals/complaints is a continuous process and they are disposed of as expeditiously as possible. The complaint/appeal is taken up as per its turn. A priority hearing is accorded in a particular case or class of cases as per orders of the Chief IC/IC concerned. A complete list of pending cases of Chief IC/each IC is available on the website of the Commission. Cause List indication the date of hearing of the cases is also available on the website of the Commission."

7. During the hearing, Shri H.P. Sen, CPIO & DO to IC(DP) has submitted that the case of the appellant is under submission to the Hon'ble Information Commissioner and he further reiterated that no such approval/direction in respect of 33 complaints is available in the file.

8. In consideration of information sought by the appellant in his RTI application, submissions made through email as well as during hearing and CPIO's reply dated 20.07.2018 and submission made during hearing, it is observed that the CPIO in his reply has categorically stated that no such approval/direction in respect of 33 complaints is available in the file and he reiterated the same during hearing with addition that the case of the appellant is under submission to the Hon'ble Information Commissioner.

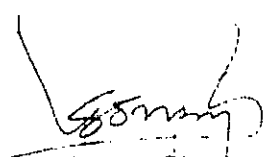
9. In view of the categorical reply of the CPIO and reiteration of the same during the hearing, there appears to be no basis to assume that CPIO is hiding something from information seeker, as stated by the appellant.

10. Since the CPIO has provided factual information in respect of information sought, no further intervention is required on the part of the FAA, in the matter.

11. The appeal is, therefore, disposed off accordingly.

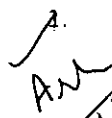
12. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 31st July, 2018.


(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

o/c
Copy to:-

1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.


31/07/18